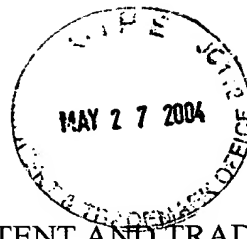


Appl. No. 09/889,938
Paper dated May 24, 2004
Reply to Office Action of December 24, 2003
Attorney Docket No. 4167-011069



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/889,938
Applicant : Kenneth Richards et al.
Filed : December 11, 2001
Title : Method for Conveying BNYVV Resistance to Sugar Beet Plants
Group Art Unit : 1638
Examiner : Ashwin D. Mehta

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated December 24, 2003 of the Primary Examiner rejecting claims 62-72. A supporting Appeal Brief will be filed in due course.

Pursuant to 37 C.F.R. §1.17(b), a check in the amount of \$750.00 is enclosed herewith to cover the cost of filing the Notice of Appeal (\$330.00) and a two-month extension of time (\$420.00). The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. One (1) original and two (2) copies of this Notice of Appeal are enclosed.

05/28/2004 EFLDRES 00000166 09889938

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330.00 OP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2004.

Kimberly N. Welday
(Name of Person Mailing Paper)

Kimberly N. Welday 05/24/2004
Signature Date

Respectfully submitted,
WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By

Barbara E. Johnson
Barbara E. Johnson
Registration No. 31,198
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219-1818
Telephone: 412-471-8815
Facsimile: 412-471-4094